

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-27)
DENNIS & JACKIE GRAY
JANUARY 26, 2022

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Dennis and Jackie Gray, with technical assistance from Sands Surveying, Inc., for a zoning map amendment in the Highway 93 North Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'SAG-10 Suburban Agricultural' to 'R-2.5 Rural Residential'.

B. Application Personnel

1. Owner/Applicant

Dennis & Jackie Gray
300 Tronstad Road
Kalispell, MT 59901

2. Technical Representative

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 9, 2022 at 6:00 P.M., in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on March 1, 2022 at 9:00 A.M. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

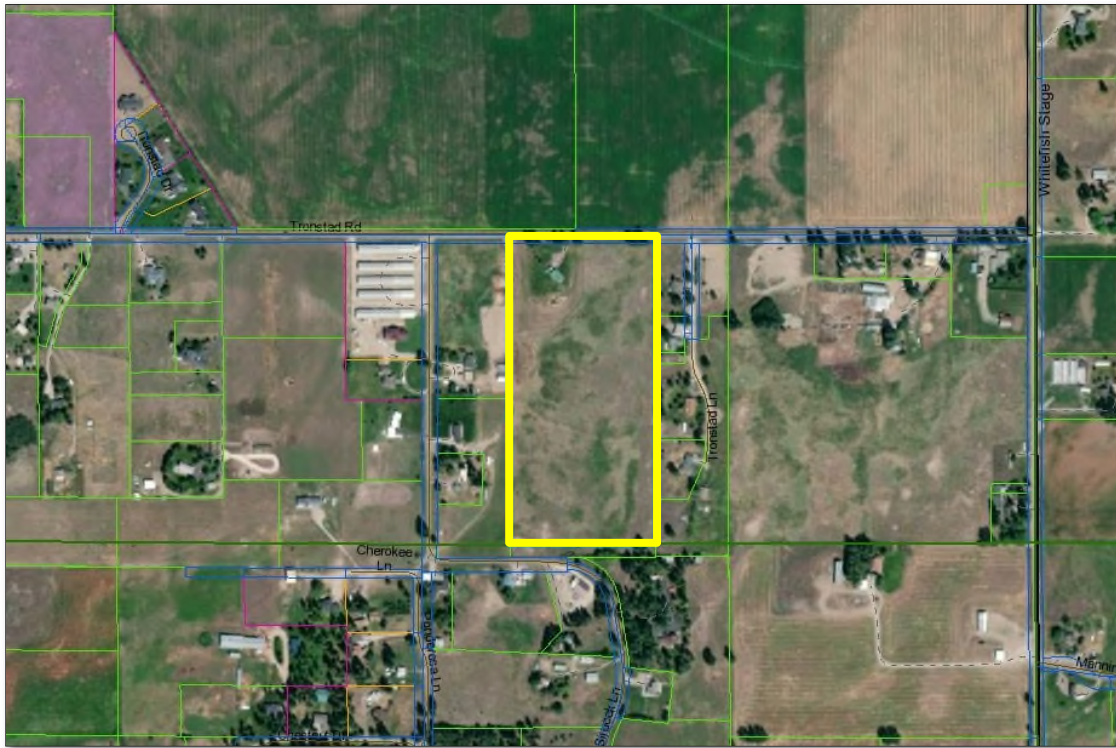
II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The subject property is located at 300 Tronstad Road near Kalispell, MT and is approximately 20.0 acres (see Figure 1 below). The property can be legally described as follows:

That portion of the Southwest one-quarter of the Southeast one-quarter (SW¹/₄SE¹/₄) of Section 18, and the Northwest one-quarter of the Northeast one-quarter (NW¹/₄NE¹/₄) of Section 19, all in Township 29 N, Range 21 West, P.M.M., Flathead County, Montana. Known as Tract 1 of Certificate of Survey No. 14127

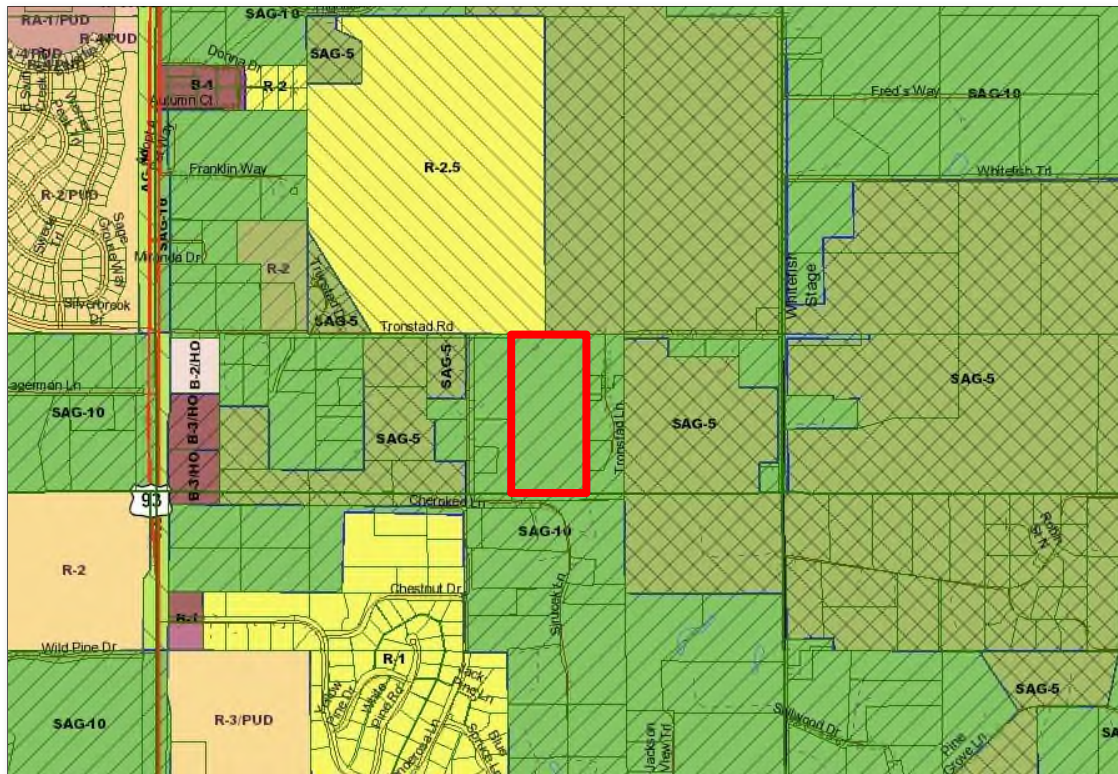
Figure 1: Subject property (outlined in yellow)



B. General Character of and Reason for Amendment

The property is located to the south of Tronstad Road near Kalispell. The character of the area surrounding the proposed zone change is predominantly rural residential and agricultural. Properties to the east, west, and south of the subject property consist of estate-sized residential development while the area directly north of Tronstad Road is agricultural. The application states, “The owners would like to have the ability to subdivide the property in the future either by family transfer or subdivision review.”

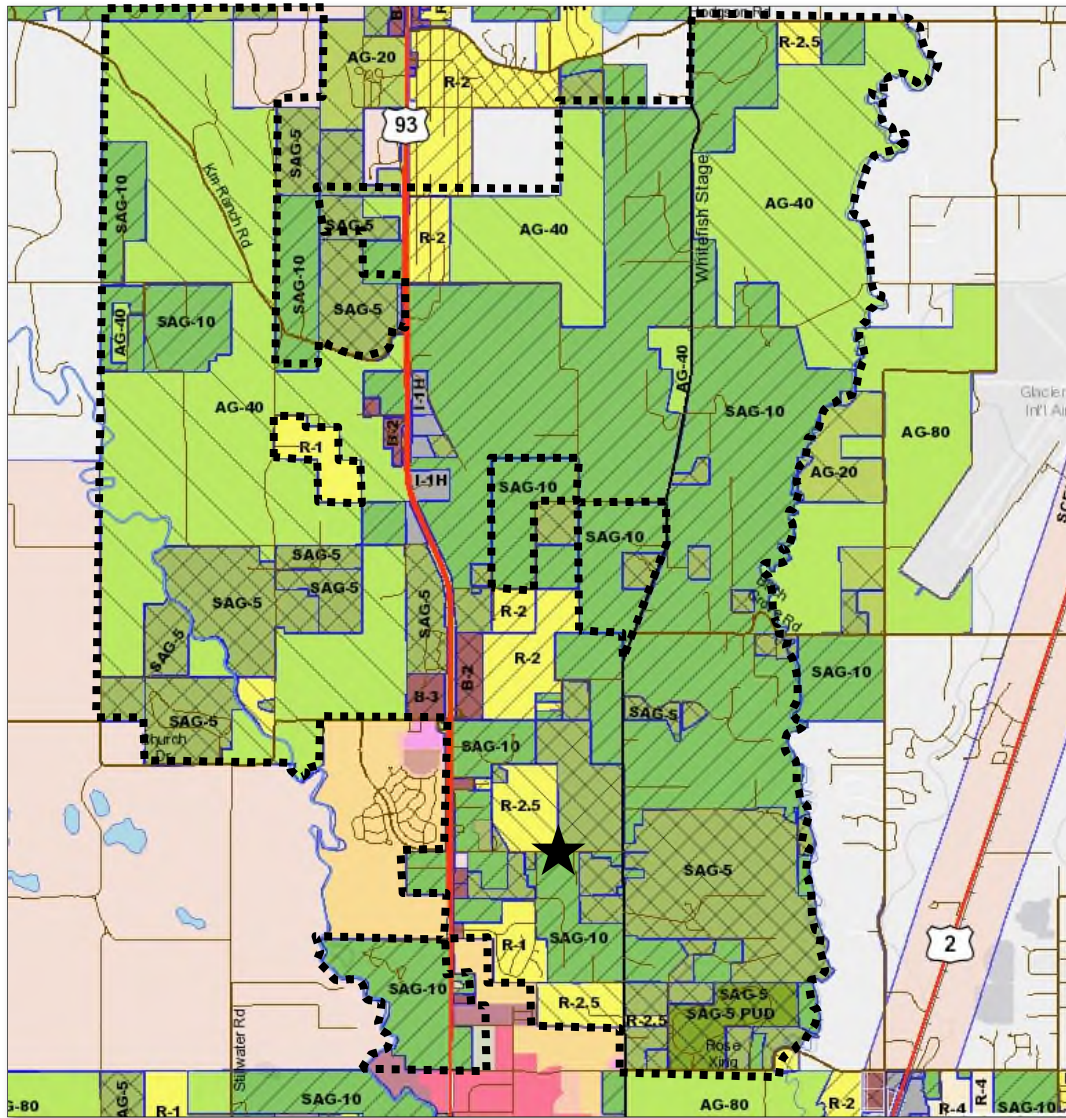
Figure 2: Current zoning on the subject property (outlined in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Highway 93 North Zoning District, which is a 12,780-acre zoning district that covers much of the area between Kalispell and Whitefish. The character of the zoning district in the general area of the property is a mixture of rural residential and agricultural. Adjacent properties to the east, south, and west are similarly zoned SAG-10 and are primarily utilized for single-family residential. Properties to the north are zoned R-2.5 and SAG-5 and are primarily larger and agricultural. Nearby properties to the southwest are zoned R-1. The subject property is located approximately one-third of a mile from Kalispell city limits. Higher density residential and commercial land uses are located along the highway.

Figure 3: Highway 93 North Zoning District (outlined with dashed black line & subject property indicated with star)



D. Public Services and Facilities

Sewer: N/A
 Water: N/A
 Electricity: Flathead Electric Cooperative
 Natural Gas: Northwestern Energy
 Telephone: CenturyTel
 Schools: Kalispell School District
 Fire: West Valley Fire District
 Police: Flathead County Sheriff's Office

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on December 14, 2021:
 - Bonneville Power Administration

- Flathead City-County Health Department
 - Flathead County Road & Bridge Department
 - Flathead County Sheriff's Office
 - Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Kalispell School District
 - Montana Fish, Wildlife & Parks
 - West Valley Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Bonneville Power Administration
 - Comment: "[...] At this time, BPA does not object to this request, as the property is located approximately 1.81 miles away from the nearest BPA transmission lines or structures." Email received December 14, 2021
 - Flathead County Road and Bridge Department
 - Comment: "[...] At this point the County Road Department does not have any comments on this request." Letter received December 21, 2021
 - Flathead City-County Health Department
 - Comment: "Environmental Health offers no comment regarding this proposed zone change." Letter received December 27, 2021
 - Flathead County Solid Waste District
 - Comment: "[...] The District requests all solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission private hauler in this area." Letter received December 28, 2021

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 19, 2022. Legal notice of the Planning Board public hearing on this application was published in the January 23, 2022 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A] on January 13, 2022. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no written public comments have been received regarding the requested zoning map amendment. It is anticipated any

member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing and/or the Commissioner's public hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The SAG-10 designation is defined in Section 3.07.010 FCZR as, *'A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

The R-2.5 Rural Residential designation is defined in Section 3.09.010 FCZR as, *"A district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.'*

The permitted uses and conditional uses for the SAG-10 and the R-2.5 zoning are similar. The amendment would reduce the number of permitted uses from 21 to 15 and would maintain the same number of conditional uses.

The permitted and conditional uses allowed in SAG-10 that are not allowed in R-2.5 are:

- Class B manufactured home
- Dairy products processing, bottling, and distribution
- Ranch employee housing

- Riding academy, rodeo arena
- Animal hospital, veterinary clinic
- Contractor's storage yard
- Extractive industry
- Kennel, commercial
- Recreational facility

The permitted uses allowed in SAG-10 that require a conditional use permit in R-2.5 are:

- Caretaker's facility
- Cellular communications tower
- Cluster housing/Dwellings, Cluster development
- Stable, public

The permitted and conditional uses allowed in R-2.5 that are not allowed in SAG-10 are:

- Radio and television broadcast station

The bulk and dimensional requirements within the current and proposed zoning require a 20-foot setback from front, side, side corner, and rear boundary line for principal structures and a setback of 20 feet for the front and side corner and 5 feet from the rear and side for detached accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries. The permitted lot coverage is 20% within SAG-10 and 25% within R-2.5. The maximum height is 35 feet for the principal structure and accessory structures in SAG-10. The maximum height is 35 feet for the principal structure and 18 feet for accessory structures that do not meet the principal structure setbacks in the R-2.5 zone.

The SAG-10 zone requires a minimum lot area of 10 acres. Since the subject property is 20 acres, one additional lot could be created under the existing zoning. The R-2.5 zone requires a minimum lot area of 2.5 acres, therefore seven additional lots could be created. The requested zone change has the potential to increase density through subsequent subdivision in the future.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Suburban Agricultural.' The proposed SAG-5 zoning classification would appear to contrast with the current designation. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, "This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may

be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.”

The introduction of Chapter 1 states, *‘High density residential development has the potential to change the character of a rural area and create safety and health hazards if not properly guided. Similarly, low density development in areas well suited for development can be an inefficient use of land resources.’*

The subject property is located approximately one-third of a mile from Kalispell city limits. Adjacent surrounding properties are zoned R-2.5, SAG-5, and SAG-10. Nearby properties to the southwest are zoned R-1. Most of the surrounding properties to the east, west, and south are utilized for single-family residential and are less than 5 acres in size. Properties to the north are primarily larger and agricultural. It appears the proposed zoning map amendment would extend the existing R-2.5 zoning and would likely be a more efficient use of land than the existing SAG-10 zoning.

Part 4 of Chapter 2 the Growth Policy states, *‘It is clear that agriculture plays a vital role in both the economy and culture of Flathead County. The custom and culture of agriculture in Flathead County is one of the features that is contributing to rapid growth and development. Lands that have traditionally been used for agriculture are being converted increasingly to residential uses as residents seek rural living.’* The subject property is not currently being used for agriculture.

The introduction to Part 7 of Chapter 2 states, *‘The density of residential developments is an issue raised throughout the public involvement process [...] Residential development, including the subdivision of land, is not inherently problematic. However, residential development at a density that is not compatible with existing local services and neighborhood character is likely to be contentious.’* It goes on to say that, *‘Capacity is based on the size and quality of the road, and once the capacity is exceeded, public safety suffers. Low density residential land uses on low capacity roads are a match, but medium or high density land uses on low capacity roads create problems.’*

Part 7 of Chapter 2 also states, *‘Appropriate densities can be dictated by the land itself. Areas with shallow groundwater or limited access to groundwater are more suited to low density residential land uses. High density residential land uses should be avoided in areas of steep slopes due to the risk of rockslides, mudslides, severe erosion, earthquakes, and avalanches. Although it is easy for a community to gradually forget about the devastating impacts of floods, floodplains with less than a 1% chance of flooding each year (areas between the 100 and 500-year floodplain) are still sure to flood again.’*

The proposed R-2.5 zoning is generally not considered high density residential, and the subject property is located along Tronstad Road, which is a paved, two-lane, County road within a 60-foot-wide easement. It is anticipated the road would be capable of supporting additional low density residential lots. The property does not appear to contain steep slopes and is not located in the floodplain.

The following is a consideration of goals and policies which appear to be applicable to the proposed zone change:

- ❖ **G.2** – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*
 - The amendment would allow the owner to subdivide but would also allow for many of the same uses that currently existing on surrounding properties.
- ❖ **G.8** – *Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.*
 - The R-2.5 designation would allow for densities of one dwelling unit per 2.5 acres which would likely not require public services because 2.5 acres lots can be serviced by septic systems and wells.
- **P.8.2** – *Identify required criteria for various densities that support the seven elements of the public’s vision outlined in Chapter 1.* The Seven Elements of the Public’s Vision include:
 - *Protect the Views*

The vision states, ‘One characteristic that residents of Flathead County cherish is the view. Views of mountains, lakes, forests, wildlife, and open spaces are cited as characteristics residents of Flathead County would not change. “Scenic resources” are valued throughout the county regardless of age, gender or location.’ The proposed zone change would likely have minimal impact on views because it is located near similarly zoned properties with similar densities, and the R-2.5 zoning is not considered high density.
 - *Promote a Diverse Economy*

The vision states, ‘The cost of living and home ownership should be affordable to the median income.’ The proposed zone change would allow for seven additional lots to be created through future subdivision, and the R-2.5 zone would continue to allow for single-family dwellings and accessory dwelling units (ADU), which could increase the housing supply and make homeownership more affordable.
 - *Manage Transportation*

Vision 3 discusses managing traffic flow through land development patterns; this report contains discussion regarding the proposals impacts on traffic below.
 - *Maintain the Identity of Rural Communities*

The vision states, ‘Preventing communities from growing together and losing their unique identities was another concern of many scoping meeting participants. The concern of seeing Flathead County turn into one continuous sprawling development was expressed in a variety of ways. Many residents of Flathead County do not want to see strip malls, used car lots, mini storage, warehouse stores, lumber yards, and other visually dominating land uses disrupt the perception of driving between unique rural communities.’ The subject property is located approximately one-third of a mile from the City of

Kalispell and not near any other communities. The R-2.5 zone would not allow for any commercial development.

- *Protect Access to and Interaction with Parks and Recreation*
This report contains a discussion on parks and recreation below.
- *Properly Manage and Protect the Natural and Human Environment*
The vision states, 'Air and water quality were mentioned frequently as well as co-habitation of people and wildlife being qualities that make Flathead County unique and desirable. Many residents expressed a desire to protect the lakes, rivers, ponds, groundwater and air for future generations. The property does not contain any surface waters or groundwater, and the slight increase in residential density is likely to have a minimum impact on air quality.
- *Preserve the Rights of Private Property Owners*
As previously stated, the amendment would allow the owner to subdivide the property, but would also allow for many of the same uses that currently existing on surrounding properties.
- ❖ **G.15** – *Promote a diverse demographic of residents.*
 - **P.15.1** – *Encourage housing, employment, education and recreation to attract, support and maintain young families.*
- ❖ **G.16** – *Safe housing that is available, accessible, and affordable for all sectors of the population.*
 - The proposed zone would allow for single-family dwellings, manufactured homes, and accessory dwelling units as permitted uses, all of which has the potential to make housing more affordable for young families.
- ❖ **G.23** – *Maintain safe and efficient traffic flow and mobility on county roadways.*
 - **P.23.2** – *Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*
 - This report contains discussion on the proposal's potential burden on transportation below.
- ❖ **G.31** – *Growth that does not place unreasonable burden on the school district to provide quality education.*
 - This report contains discussion on the proposal's potential burden on schools below.
- ❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*
- ❖ **G.33** – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*
 - This report contains discussion on the adequacy of emergency service below.
- ❖ **G.41** – *Promote the preservation of critical fish and wildlife habitat and preserve the area's unique outdoor amenities and quality of life.*
 - **P.41.2** – *Discourage unmitigated development in areas identified as critical wildlife habitat.*

- Given the property's close proximity to the City of Kalispell and the fact the subject property and neighboring properties are already used for residential purposes, impacts on wildlife would likely be minimal.

Finding #1: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because, although the Designated Land Uses Map identifies the subject property as Suburban Agricultural, the R-2.5 zone would allow for single-family dwellings, manufactured homes, and accessory dwelling units which has the potential to increase affordable housing options, the property is located near the City of Kalispell and adjacent to existing R-2.5 zoning, the property does not contain surface waters or floodplain, and impacts on wildlife would likely be minimal since surrounding properties are currently used for residential purposes.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the West Valley Fire District and the West Valley Fire Department is located approximately 0.9 driving miles southeast of the property, along Whitefish Stage Road. The West Valley Fire Department would respond in the event of a fire or medical emergency. The property is located within the Wildland Urban Interface (WUI) but not a 'High' or 'Extreme' County-wide Priority Area. Primary access to the property is via Tronstad Road, which is a paved, two-lane, County-maintained road and appears capable of providing access for emergency vehicles. The West Valley Fire District did not provide comment regarding this proposal.

According to FEMA FIRM Panel 30029C1420J, the property is located within an unshaded Zone X, an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed zoning map amendment would secure safety from fire and other dangers because although the property is within the WUI, the property is served by the West Valley Fire District and is located approximately less than a mile from the nearest fire station, access is from a paved, two-lane, County-maintained road, and the property is not located within a Special Flood Hazard Area.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject property is located within the West Valley Fire District and the nearest fire station is approximately 0.9 driving miles from the property. The West Valley Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Office provides police services to the subject property. Tronstad Road appears adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety.

The permitted uses and conditional uses for SAG-10 and R-2.5 zoning are similar, although the R-2.5 zone is slightly more restrictive with regard to permitted and conditional uses. The amendment would reduce the number of permitted uses from 21 to 15 and maintain the same number of conditional use. Since the uses within

the existing and proposed zones are similar, the proposal is not anticipated to negatively impact public health, public safety, and general welfare.

Finding #3: The proposed zoning map amendment would have a minimal impact on public health, safety and general welfare because the property is served by the West Valley Fire District and Flathead County Sheriff's Office, and future development would comply with the permitted and conditional uses in the R-2.5 zone which are similar to the existing surrounding uses.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Primary access to the subject property is via Tronstad Road, which is a paved, two-lane, County-maintained road within a 60-foot-wide easement. There are no recent traffic counts for Tronstad Road. However, traffic counts collected in 2007 for Tronstad Road indicated 646 average daily trips (ADT). Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for seven additional lots, which would generate approximately 70 ADT. The zoning map amendment has the potential to increase traffic by 10.8% on Tronstad Road. The Flathead County Road and Bridge Department had no comment regarding the proposal. Future development would require an approach permit from the Flathead County Road and Bridge Department.

The Flathead City-County Health Department had no comment regarding the proposal. The property owners would be required to undergo review and approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, to install water supply and wastewater treatment systems.

According to the 2019 Census Data, there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2021 states there are 17,331 students enrolled in County schools. The total students (17,331) divided by the total households (49,531) equals approximately 0.35 students per household. The proposal has the potential to create seven more lots in the future and therefore would generate approximately three school age children. The Kalispell School District did not provide comments on this proposal. It is anticipated that the schools would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would reduce the minimum lot size from 10 acres to 2.5 acres. It is anticipated parkland dedication or cash-in-lieu would be required if the property is subdivided in the future. There are numerous parks, natural areas, and recreational opportunities in the vicinity of the subject property.

Finding #4: The proposed zoning map amendment would facilitate the adequate provision of transportation because access to the subject property currently exists via Tronstad Road, which is a paved, two-lane, County-maintained road, the proposal has the potential to increase traffic on Tronstad Road by 10.8%, and future development would require approach permits from the Flathead County Road and Bridge Department.

Finding #5: The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools, and parks because future development of the properties would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, the proposal has the potential to generate three school age children, no comments were received from the local school district, and parkland dedication would be considered during subdivision review.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to increase development density on the subject properties, all additional lots created or structures built would be required to meet the bulk and dimensional requirements of the R-2.5 zoning designation. The bulk and dimensional requirements have been established to provide for a reasonable provision of light and air.

The minimum lot area within the existing SAG-10 zone is 10 acres and the minimum lot area within the proposed R-2.5 zone is 2.5 acres. The density allowed within the proposed zone would be greater than the density allowed within the current zone. The maximum building height within the existing SAG-10 zone is 35 feet for both a principal and accessory structure and the maximum building height within the proposed R-2.5 zone is 35 feet for a principal structure and 18 feet for an accessory structure. The permitted lot coverage is 20% in the SAG-10 zone and 25% in the proposed R-2.5 zone.

The setback requirements are the same in the proposed R-2.5 zone as the existing zoning. The required setbacks are 20 feet from front, side, side corner, and rear boundary lines for principal structures and 20 feet from front and side corner and 5 feet from the rear and side boundary lines for detached accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-2.5 designation.

b. The effect on motorized and non-motorized transportation systems;

As previously stated, primary access to the subject property is via Tronstad Road, which is a paved, two-lane, County-maintained road within a 60-foot-wide easement. There are no recent traffic counts for Tronstad Road. However, traffic counts collected in 2007 for Tronstad Road indicated 646 average daily trips (ADT). Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for seven additional lots, which would generate approximately 70 ADT. The zoning map amendment has the potential to increase traffic by 10.8% on Tronstad Road. The Flathead County Road and Bridge Department had no comment regarding the proposal. Future development would require an approach permit from the Flathead County Road and Bridge Department.

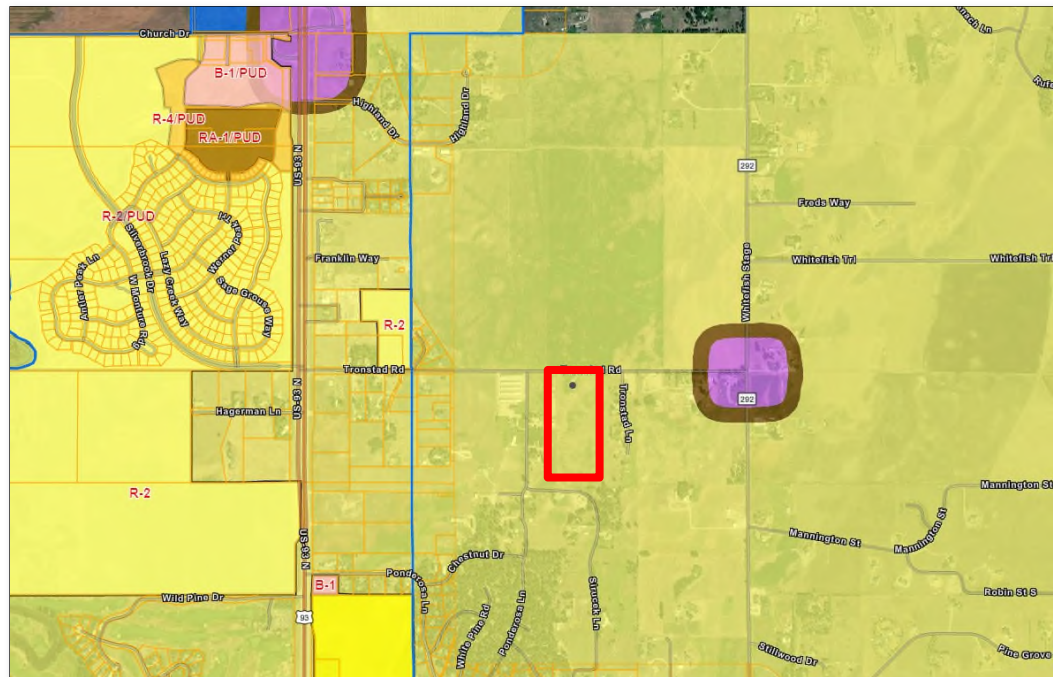
There are no existing bike or pedestrian facilities currently located along Tronstad Road and the Flathead County Trails Plan does not designate the road for future bike or pedestrian trails.

Finding #7: The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because access to the subject property currently exists via Tronstad Road which is a paved, two-lane, County-maintained road, the proposal has the potential to increase traffic on Tronstad Road by 10.8%, future development would require approach permits from the Flathead County Road and Bridge Department, and no bicycle and pedestrian trail easement would be required for future development.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Kalispell is the nearest municipality to the subject property and the city limits are located approximately one-third of a mile to the west. The subject property is located inside the City of Kalispell Growth Policy but outside of the City of Kalispell annexation boundary. The Kalispell Growth Policy Map designated the property 'Suburban Residential'. The proposed R-2.5 zoning designation would allow for densities less than the maximum four dwelling units per acre allowed by the City of Kalispell Growth Policy.

Figure 4: City of Kalispell Growth Policy Future Land Use Map, subject property outline in red



Finding #8: The proposed zoning map amendment would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the extent of the City of Kalispell Growth Policy Future Land Use Area and the proposed zoning is a designation which is compatible with suburban residential.

d. The character of the district(s) and its peculiar suitability for particular uses;

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The intent of the existing ‘SAG-10 Suburban Agricultural’ zone is to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses. The purpose of the proposed ‘R-2.5 Rural Residential’ zone is to provide transition areas adjacent to and between higher density residential and lower density suburban agricultural zones.

The subject property is located adjacent to properties similarly zoned SAG-10 as well as properties zoned R-2.5. The proposed amendment would expand the existing corridor of R-2.5 zoning. As mentioned previously in the report, the permitted and conditional uses within the existing and proposed zones are similar in nature. The main difference between the existing and proposed zoning is the minimum lot area, which would be reduced from 10 acres to 2.5 acres. A majority of the surrounding properties are utilized for single-family residential. The proposed zoning map amendment, if approved, would allow for uses that exist on the surrounding rural residential properties and that are similar to uses allowed under the existing suburban agricultural zoning. It therefore does not appear that the zone change would allow uses that differ significantly from the prevailing uses in the area.

ii. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to one tract of land totaling 20.0 acres which is owned by one landowner. Using standard Arc GIS software, staff determined the subject property is located within a SAG-10 zoning use district approximately 260 acres in size. Adjacent to the property is an R-2.5 zoning use district which is approximately 110 acres. Although the zoning would apply to a relatively small area to the benefit of one landowner, the proposed zoning map amendment would expand the existing R-2.5 zoning use district.

iii. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

Although the proposal only includes one landowner, it would not result in special legislation at the expense of the surrounding landowners or general public because the permitted and conditional uses listed within a R-2.5 zone are similar to the permitted and conditional uses in the current SAG-10 zone, as discussed in the build-out analysis section of this report.

Finding #9: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed R-2.5 zoning designation would be a continuation of existing R-2.5 zoning located adjacent to the subject property and would allow for the same uses that exist on surrounding properties.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The adjacent properties contain rural residential and agricultural uses. Previous sections of this report have discussed the differences between permitted and conditional uses in the existing SAG-10 zoning and the proposed R-2.5 zoning designation. Conserving the value of buildings throughout the jurisdictional area is a function of allowing land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed R-2.5 zone exist in the vicinity of the subject property such as single-family residential and agricultural uses. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area.

Finding #10: The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding rural residential and agricultural zoning.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

Kalispell is the nearest municipality to the subject property and the city limits are located approximately one-third of a mile to the west. The nearest zoning designations within the City of Kalispell are R-2 and R-3/PUD. The proposed R-2.5 zoning would provide a buffer between the City's higher density residential zoning to the west and the lower density suburban agricultural zoning to the east.

The City of Kalispell defines 'R-2 Residential' as, 'A district intended to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.' The minimum lot size in the R-2 zone is 10,000 square feet.

The City of Kalispell defines 'R-3 Residential' as, 'A district intended to provide lot areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. This zoning district would typically be found in areas designated as suburban residential or urban residential on the Kalispell Growth Policy Future Land Use Map.' The minimum lot size in the R-3 zone is 6,000 square feet.

The neighboring City of Kalispell R-2 and R-3 zones allow for single-family dwellings as a permitted use and townhouses with a conditional use permit. The City of Kalispell does not have an equivalent 2.5-acre density zone, but the proposed R-2.5 zone is more compatible than the existing SAG-10 zone and would act as buffer between higher density residential and lower density agricultural zones.

Finding #11: The proposed zoning map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone is more similar to the nearby City R-2 and R-3 zoning than the existing SAG-10 zoning, and the proposed R-2.5 zoning would act as a buffer between higher density residential and suburban agricultural zoning.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Flathead County Growth Policy because, although the Designated Land Uses Map identifies the subject property as Suburban Agricultural, the R-2.5 zone would allow for single-family dwellings, manufactured homes, and accessory dwelling units which has the potential to increase affordable housing options, the property is located near the City of Kalispell and adjacent to existing R-2.5 zoning, the property does not contain surface waters or floodplain, and impacts on wildlife would likely be minimal since surrounding properties are currently used for residential purposes.
2. The proposed zoning map amendment would secure safety from fire and other dangers because although the property is within the WUI, the property is served by the West Valley Fire District and is located approximately less than a mile from the nearest fire station, access is from a paved, two-lane, County-maintained road, and the property is not located within a Special Flood Hazard Area.
3. The proposed zoning map amendment would have a minimal impact on public health, safety and general welfare because the property is served by the West Valley Fire District and Flathead County Sheriff's Office, and future development would comply with the permitted and conditional uses in the R-2.5 zone which are similar to the existing surrounding uses.
4. The proposed zoning map amendment would facilitate the adequate provision of transportation because access to the subject property currently exists via Tronstad Road, which is a paved, two-lane, County-maintained road, the proposal has the potential to increase traffic on Tronstad Road by 10.8%, and future development would require approach permits from the Flathead County Road and Bridge Department.
5. The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools, and parks because future development of the properties would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, the proposal has the potential to generate three school age children, no comments were received from the local school district, and parkland dedication would be considered during subdivision review.
6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the R-2.5 designation.

7. The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because access to the subject property currently exists via Tronstad Road which is a paved, two-lane, County-maintained road, the proposal has the potential to increase traffic on Tronstad Road by 10.8%, future development would require approach permits from the Flathead County Road and Bridge Department, and no bicycle and pedestrian trail easement would be required for future development.
8. The proposed zoning map amendment would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the extent of the City of Kalispell Growth Policy Future Land Use Area and the proposed zoning is a designation which is compatible with suburban residential.
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed R-2.5 zoning designation would be a continuation of existing R-2.5 zoning located adjacent to the subject property and would allow for the same uses that exist on surrounding properties.
10. The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding rural residential and agricultural zoning.
11. The proposed zoning map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone is more similar to the nearby City R-2 and R-3 zoning than the existing SAG-10 zoning, and the proposed R-2.5 zoning would act as a buffer between higher density residential and suburban agricultural zoning.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal generally complies with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 FCZR does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EA